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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/691,775

Filing Date: October 18, 2000

Appellant(s): THRANE, LEON

David M. O'Neill
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/25/2005 appealing from the Office action mailed 02/04/2005.

(1) Real Party in Interest

The appellant's statement of the real party in interest contained in the brief is correct.

(2) Related Appeals and Interferences

The appellant's statement of the related appeals and interferences contained in the brief is correct.

(3) Status of Claims

The appellant's statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues contained in the brief is correct.

(7) Grouping of Claims

The appellant's statement of the grouping of the claims in the brief is correct.

(8) ClaimsAppealed

The copy of the appealed claims contained in the appendix pages i-iv is correct.

(9) Prior Art of Record

Yalcinalp, U.S. Patent Number 6,507,857, issued on January 14, 2003, but filed on March 10, 2000 (hereinafter Yalcinalp).

Boag et al., U.S. Patent Number 6,589,291, issued on July 8, 2003, but filed on April 8, 1999 (hereinafter Boag).

Thum et al., U.S. Patent Number 6,616,700, issued on September 9, 2003, but filed on January 7, 2000 (hereinafter Thum).

(10) New Prior Art

No new prior art has been applied in this examiner's answer.

(11) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims 1-23:

Claims 1-7, 9-19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalcinalp, US Patent No. 6,507,857, and further in view of Boag et al. (Boag), US Patent No. 6,589,291.

As to claims 1 and 13, Yalcinalp discloses a content transformation method operated in a client-server communication system, the method comprising:

receiving a content request by a server from a client (col. 4, lines 49-67: application server 104 receives client requests);

performing a first stage content transformation to generate a first stage data layout based upon said content request (col. 5, lines 7-50: generating a transformed document for the user in response to the document request);

performing a final stage content transformation to generate a presentation format based on a device used by said client (col. 5, line 65 – col. 6, line 13: the transformed document will be formatted based on client type, for example: the user client type might be a PDA or a browser on a PC).

However, Yalcinalp does not explicitly disclose performing an intermediate stage content transforming using said first stage data layout to generate a intermediate data layout. In the similar field of endeavor, Boag discloses selecting one or more style sheets based on variable factors such as the target device and browser or the selected style sheets may create output in a language appropriate for the wireless connection and the target device (col. 8, line 39 – col. 9, line 49 and col. 10, lines 42-62). Since Boag discloses a method for dynamically determining the most appropriate location for applying style sheets on a client request depends on the capabilities of the client device, which is similar to processing a user request document to a transformed document and formatting the transformed document specific to the client specification of Yalcinalp, thus it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Boag and Yalcinalp to include performing a intermediate stage content transforming using the first stage data layout to generate a intermediate data layout to provide a technique for increasing the applicability of style sheets when a style sheet tailored to a particular target environment is not readily available.

As to claims 2 and 14, Yalcinalp and Boag (Yalcinalp-Boag) disclose wherein performing a first stage content transformation comprises retrieving data from a database (Yalcinalp, col. 5, lines 38-64).

As to claims 3 and 15, Yalcinalp-Boag disclose wherein performing a first stage content transformation further comprises defining a set of first stage rules (Yalcinalp, col. 5, line 38 – col. 6, line 13).

As to claims 4 and 16, Yalcinalp-Boag disclose wherein performing a first stage content transformation further comprises generating said first stage data layout by transforming said data using said first stage rules (Yalcinalp, col. 5, line 38 – col. 6, line 13).

As to claims 5 and 17, Boag discloses the step of performing an intermediate stage content transformation comprises performing at least one sub-stage to generate said intermediate stage data layout in col. 8, line 39 – col. 9, line 49 and col. 10, lines

42-62: selecting one or more style sheets based on variable factors such as the target device and browser or the selected style sheets may create output in a language appropriate for the wireless connection and the target device. Since Boag discloses a method for dynamically determining the most appropriate location for applying style sheets on a client request depends on the capabilities of the client device, which is similar to processing a user request document to a transformed document and formatting the transformed document specific to the client specification of Yalcinalp, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boag and Yalcinalp to include performing a intermediate stage content transforming using the first stage data layout to generate a intermediate data layout to provide a technique for increasing the applicability of style sheets when a style sheet tailored to a particular target environment is not readily available.

As to claims 6 and 18, Boag disclose wherein performing said at least one sub-stage comprises performing a browser-type stage using a set of browser-type rules (col. 8, line 39 – col. 9, line 49 and col. 10, lines 42-62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boag and Yalcinalp to include of performing one or more sub-stages comprises a step of performing a browser-type stage using a set of browser-type rules to provide a technique for increasing the applicability of style sheets when a style sheet tailored to a particular target environment is not readily available.

As to claims 7 and 19, Boag discloses wherein performing said at least one sub-stage comprises performing an internationalization stage using a set of internationalization rules (col. 9, line 50 – col. 10, line 62). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boag and Yalcinalp to include of performing one or more sub-stages comprises a step of performing an internationalization stage using a set of internationalization rules to provide a technique for increasing the applicability of style sheets when a style sheet tailored to a particular target environment is not readily available.

As to claims 9 and 21, Boag disclose wherein performing said at least one sub-stage comprises performing an optimization stage using a set of optimization rules (Boag, col. 7, line 58 – col. 8, line 36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Boag and Yalcinalp to include performing one or more sub-stages comprises a step of performing an optimization stage using a set of optimization rules. Boag suggests that using optimizing transformations preferably reduce the amount of content contained in a document before transmitting the document to the device for style sheet application and rendering of the document for presentation.

As to claims 10 and 22, Yalcinalp-Boag disclose wherein performing a final stage content transformation comprises defining a set of final stage rules (Yalcinalp, col. 5, line 65 – col. 6, line 13: the transformed document will be formatted based on client type, for example: the user client type might be a PDA or a browser on a PC).

As to claims 11 and 23, Yalcinalp-Boag disclose wherein defining a set of final stage rules comprises using said content request to define the final stage rules (Yalcinalp, col. 5, line 65 – col. 6, line 13: the transformed document will be formatted based on client type, for example: the user client type might be a PDA or a browser on a PC).

As to claim 12, Yalcinalp-Boag disclose wherein the content transformation is XSLT based content transformation using an XSLT engine (Yalcinalp, Abstract).

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalcinalp and Boag as applied to claims 1-7, 9-19 and 21-23 above, and further in view of Thum et al. (Thum), US Patent No. 6,616,700.

As to claims 8 and 20, Yalcinalp-Boag disclose the limitations as discussed above. However, Yalcinalp and Boag do not explicitly disclose wherein the step of performing one or more sub-stages comprises a step of performing a user profile stage using a set of user profile rules. In the same field of endeavor, Thum discloses a user

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can define the content to be delivered in a presentation based on the person's preferences (profile) by checking user profile to determine what kind of data is required for presentation (col. 4, line 63 – col. 6, line 50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Thum and Yalcinalp-Boag to include performing one or more sub-stages comprises a step of performing a user profile stage using a set of user profile rules in order to enhance the system.

12) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellant's arguments filed on 08/25/2005, the appellants argue in substance:

A. Rejection of Claims 1-7, 9-19 and 21-23 under 35 U.S.C. § 103(a)

Claim 1:

a) Neither Yalcinalp nor the Boag patent make any suggestion of "performing an intermediate stage content transformation using said first stage data layout to generate an intermediate data layout; and performing a final stage content transformation using

said intermediate data layout to generate a presentation format based on a device used by said client".

In reply to argument a of claim 1, Appellant's claimed the first two steps "receiving a content request by a server form a client and performing a first stage content transformation to generate a first stage data layout based upon said content request" before the steps of "performing an intermediate stage content transformation using said first stage data layout to generate an intermediate data layout; and performing a final stage content transformation using said intermediate data layout to generate a presentation format based on a device used by said client".

In this case, Yalcinalp discloses in col. 4, lines 49 – col. 5, line 17 that application server 104 receives client/user document requests from user 200, and generating a transform document for the user in response to the document request by retrieving the appropriate style sheet associated with the document requested in order to process and generate the transform document to present to the user (col. 5, lines 18-50), and the transformed document will be formatted specific to the client specification or type, i.e., the user client type might be a PDA or a browser on a PC (col. 5, line 65 – col. 6, line 13). Thus, Yalcinalp discloses performing first stage content transformation to generate data layout based upon the content request and performing the final stage content transformation to generate a presentation format based on a device used by the client without going through performing intermediate stage content transformation.

In the specification, Applicant described the intermediate stage comprises a browser-type substage using a set of browser-type rules, an internationalization stage

using a set of internationalization rules, a user profile stage using a set of user profile rules, and these rules are used to convert the data into specific language requested by the user of the client (page 5, lines 10-33). Applicant also disclosed the set of user profile rules may be based on the preference of the client's user such as font, color, graphics, etc. (page 5, lines 10-33). Boag discloses a user request a particular document from a server (col. 8, lines 39-40), selecting one or more style sheets based on variable factor such as the target device and browser (browser type), any user limitations and/or preference (user profile), the type of the document which is being transformed; and the set of transforms which are available in a particular computing environment (col. 8, line 39 – col. 9, line 18), i.e., suppose the user's device is a Smart phone connected over a wireless connection and requests for a particular document from a user, applying a selected style sheets at the server for converting from one markup language to another, and in this case which converts HTML to WML (wireless markup language) may be used because WML is the appropriate language for the wireless connection and the Smart Phone device (col. 9, line 23 – col. 10, line 62). Thus, Boag fulfills the missing step of performing intermediate stage content transformation.

b) There is no suggestion to one of ordinary skill in the art to combine the references (Yalcinalp and Boag).

In reply to argument b of claim 1, Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can

only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yalcinalp discloses a method for creating a transform document using a style sheet for user in response to the document request, which is similar to selecting one style sheet to transform a particular input document in a markup language that the request device can process of Boag, thus Yalcinalp and Boag are analogous arts. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Yalcinalp and Boag to include performing a intermediate stage content transforming using the first stage data layout to generate a intermediate data layout to provide a technique for increasing the applicability of style sheets when a style sheet tailored to a particular target environment is not readily available.

Claim 13

a) "It's not seen where the references of record either describe or suggest the performance of first stage and final stage content transformation steps at a server which has received a content request from a client."

In reply to argument a of claim 13, Yalcinalp discloses in col. 5, lines 7-50 that generating a transformed document for the user in response to the document request

(first stage), and the generating step is done at the XSLT processor 205, which is located at application server 104 (see Figures 1 and 2). Yalcinalp also discloses in col. 5, line 65 – col. 6, line 13 that the transformed document will be formatted based on the client type (final stage), i.e., the user client type might be a PDA or a browser on a PC. This final stage is also done at the XSLT processor 205, which is located at application server 104 (see Figures 1 and 2).

b) "It's not seen where the Boag patent, or any of the other references, either describe or suggest a content transformation process performed at a server having an intermediate content transformation stage operating in the manner of Applicant's invention."

In reply to argument b of claim 13, Boag discloses a user request a particular document from a server (col. 8, lines 39-40), selecting one or more style sheets based on variable factor such as the target device and browser (browser type), any user limitations and/or preference (user profile), the type of the document which is being transformed; and the set of transforms which are available in a particular computing environment (intermediate stage) (col. 8, line 39 – col. 9, line 18), and the transformation may be performed at the server (col. 7, line 58 – col. 8, line 36).

c) Boag patent does not disclose description or suggestion of performing at a server an intermediate stage content transformation followed by a final stage content transformation.

In reply to argument c of claim 13, Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Examiner's rejected the limitation "performing at a server an intermediate stage content transformation" using Boag patent reference, and the limitation "a final stage content transformation" using Yalcinalp patent reference as discussed in reply to argument a of claim 1 above.

B. Rejection of Claims 8 and 20 under 35 U.S.C. § 103(a)

Claims 8 and 20: The disclosure of Thum does not cure the deficiencies of either the Yalcinalp or Boag patents.

In reply to argument of claims 8 and 20, again, this is similar to argument c of claim 13, which Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Examiner's used Thum patent reference to reject only the limitation in claims 8 ad 20, which claimed "performing an optimization stage using a set of optimization rules". Therefore, Appellant cannot Thum reference to argue on any other claims rather than claims 8 and 20 (please see the rejection for claims 8 and 20 above).

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For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,



Chau Nguyen



WILLIAM S. BASHORE
PRIMARY EXAMINER

11/13/2005

Conferee:



Heather Herndon (Supervisor AU 2176)



Stephen Hong (Supervisor AU 2178)